Douglas L. Lutz, Esq. Hearing Date: 02/17/11 at 10:00 a.m. (ET) **Response Deadline: 02/3/11 at 4:00 p.m. (ET)** Lindsey F. Baker, Esq. FROST BROWN TODD LLC 2200 PNC Center 201 East Fifth Street Cincinnati, OH 45202 513-651-6800 Telephone 513-651-6981 Facsimile dlutz@fbtlaw.com lbaker@fbtlaw.com Attorneys for Sprimag Inc. UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK : Chapter 11 : Case No. 05-44481 [RDD] DPH HOLDINGS CORP, et al., : Jointly Administered Reorganized Debtors. -----X DELPHI AUTOMOTIVE SYSTEMS, LLC, Plaintiff, : Adv. Pro. No. 07-02644 [RDD] v. SPRIMAG INC.,

JOINDER OF DEFENDANT SPRIMAG INC. TO MOTION AND BRIEF OF DEFENDANT FOR RELIEF FROM FOURTH ORDER <u>EXTENDING TIME TO SERVE COMPLAINT</u>

Defendant.

Sprimag Inc. (the "Defendant") hereby concurs and joins in the *Motion and Brief of Defendant for Relief from Fourth Order Extending Time to Serve Complaint* filed on October 22, 2010 by ATS Automation Tooling Systems Inc. (the "Motion"), a similarly situated defendant, in

adversary proceeding number 07-02125 (Docket No. 33) and in case number 05-44481 (Docket No. 20699).

In furtherance of the arguments set forth in the Motion, the Defendant adds that it was not served with, and therefore did not receive notice of, the Service Extension Motions (as defined in the Motion) or the Service Extension Orders (as defined in the Motion).

WHEREFORE, the Defendant respectfully requests for the reasons set forth in the Motion that the Fourth Extension Order (as defined in the Motion) be vacated or set aside and the complaint in the above-captioned adversary proceeding be dismissed with prejudice.

Dated: October 22, 2010 Respectfully submitted,

/s/ Douglas L. Lutz

Douglas L. Lutz, Esq. Lindsey F. Baker, Esq.

FROST BROWN TODD LLC

2200 PNC Center 201 East Fifth Street Cincinnati, OH 45202 513-651-6800 Telephone 513-651-6981 Facsimile dlutz@fbtlaw.com lbaker@fbtlaw.com

Attorneys for Sprimag Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Joinder of Defendant Sprimag Inc. to Motion* and Brief of Defendant for Relief from Fourth Order Extending Time to Serve Complaint was sent via regular United States mail, postage prepaid, and/or by ECF noticing, on October 22, 2010 to the parties listed below.

/s/ Douglas L. Lutz

VIA REGULAR MAIL

Eric Fisher, Esq.
Butzel Long, a Professional Corporation 380 Madison Avenue 22nd Floor
New York, NY 10017
fishere@butzel.com
Counsel for Plaintiffs

Togut, Segal & Segal LLP One Penn Plaza Suite 3335 New York, NY 10119 Counsel for Plaintiffs

DPH Holdings Corp. Attn: John Brooks 5725 Delphi Drive Troy, Michigan 48098

Latham & Watkins Attn: Mark A. Broude/Robert J. Rosenberg 885 Third Avenue New York, New York 10022 Cynthia J. Haffey, Esq. Butzel Long 150 W. Jefferson Avenue Sutie 100 Detroit, MI 48226 haffey@butzel.com Counsel for Plaintiffs

Honorable Robert D. Drain, Bankruptcy Judge United States Bankruptcy Court 300 Quarropas Street White Plains, New York 10601

Office of the U.S. Trustee Attn: Alicia M. Leonhard, Trace Hope Davis and Brian Masumoto 33 Whitehall Street, 21st Floor New York, New York 10004